officers. But here is a Scientific Officer, Shri Ambadatta Upreti, who are working in the Atomic Minerals Directorate. Therefore, surely, all the officers cannot be Group D officers.

SHRIMATI VASUNDHARA RAJE: This case is till being sorted out.

SHRI PRANAB KUKHERJEE: But my point is that he was a Scientific Officer. Yes; he may not be in a sensitive department. But you said, if I heard you correctly, that all the officers who are missing are Group D officers, and they are not working in sensitive areas. Before making a blanket statement, please ascertain and try to find out the correct thing. That is my request.

SHRIMATI VASUNDHARA RAJE: As far as Group C and D are concerned, I would like to reiterate that I did not say, 'Group D alone'. I said, 'Group C and D'. And the Department has looked into this issue. There is nothing that could cause any apprehension to any Member here.

Framing of Rules by Government Instrumentalities

*263. SHRI JALALUDIN ANSARI:
SHRI GOVINDRAM MIRI:†

Will the PRIME MINISTER be pleased to state:

(a) whether Government's Instrumentalities can make rules and provisions, through their Board of Governors/Executive Bodies, etc. which contravene or change their complexions of the Central Government Rules and provisions; and

(b) if so, what is the justification and the legality thereof?

THE MINISTER OF STATE OF THE MINISTRY OF SMALL SCALE INDUSTRIES, AGRO AND RURAL INDUSTRIES, MINISTER OF STATE IN THE DEPARTMENT OF PERSONNEL AND TRAINING, DEPARTMENT OF PENSIONS AND PENSIONERS' WELFARE OF THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE DEPARTMENTS OF ATOMIC ENGERY AND SPACE (SHRIMATI VASUNDHARA RAJE): (a) and (b) A Statement is laid on the Table of the House.

---

†The question was actually asked on the floor of the House by Shri Govindram Miri.

Statement

An instrumentality of the Government can make rules in accordance with the provisions of the statute or charter of its constitution, pursuant to which it was created/set up. The concerned instrumentality, with the approval of the competent authority, can make its own rules or adopt the rules of the Central Government of adopt the same with suitable amendments as may be permissible within the legal framework governing such an instrumentality. Any rules framed as such are legally enforceable and are also subject to judicial review.

SHRI GOVINDRAM MIRI: I would like to know from the hon. Minister, through you, Sir, whether the instrumentalities can frame rules which are diametrically opposite to the corresponding rules in the Government of India. If so, I would like to know whether the status of the employees is reduced to the status of the employees of the private companies. If the answer is 'yes', I would like to know whether it is justified.

SHRIMATI VASUNDHARA RAJE: Sir, this is a question of instrumentalities. I would just like to go a little over the definition itself. As far as the central Government and the State Governments are concerned, they are created by the Constitution. In addition to this, there are a numb er of legal ways by which the Government can create and control institutions through Statutes or by Resolutions or by an Order of the Government. Autonomous institutions are created under an enabling Act like the Registration of Societies Act or the Companies Act, and what can be or cannot be done by an instrumentality will depend on the statute or the charter of constitution. Now, as far as this is concerned, the concerned instrumentality has the powers to make rules, including rules for its employees, with the approval of the competent authority, in accordance with the provisions of the Statute or charter of constitution, pursuant to which it was created or set up, for the purpose of making its own rules or adopting the rules of the Central Government for regulating the recruitment and conditions of service of its employees, with suitable amendments, to the extent to which the legal framework governing such instrumentality permits such an arrangement. As far as the control mechanism of the Government is concerned, as per the

General Financial Rules of 1963, grantee institutions which rec eive more than 50 per cent of their recurring expenditure as grants and aid from the Government are required to frame rules for its employees which broadly compare to those applicable to the Central Government employees. As per the instructions of the Department of Expenditure, autonomous bodies, fully or partly funded by the Central Government, are required to adhere to one or two things. First of all, they take prior approval relating to emolument structure and creation of posts avoce the specified level. Secondly , they nominate a representative of the Ministry of Finance, integreated Finance Division of the Ministry concerned, to the Executive Council of the autonomous organisation. Thirdly, they refer the matter to the Ministry concerned and the Finance Minister for a decision, in the event of a disagreement between the representative of the Ministry of Finance and the Chairman of the governing body of the autonomous organisation. I would like to underline here that the responsibility for ensuring the implementation of the Statutes and its rules and regulations rests with the administrative Ministry concerned.

SHRI GOVINDRAM MIRI: Mr. Chairman, Sir, my second supplementary is this. My intention is that the rules framed by the instrumentalities should not override the rules frame by the Government of India. I am having a list of instances which show the differences in rules and procedures between the Government of India and the instrumentalities. It is clear from these instances that the employees of the instrumentalities are debarred from getting identical benefits which the Government of India employees are getting. These instrumentalities like the Kendriya Vidyalaya Sanghathan, Navodaya Vidalaya, etc., are fully funded by the Government of India. There is a great difference, as far as benefits are concerned. In this context, I would like to know from the hon. Minister whether this is a discrimination or not. If the answer is 'yes', I would like to know whether she is taking any steps to remove these differences.

SHRIMATI VASUNDHARA RAJE: Sir, I have just clarified the control of the Government and I have also stated that the rules, framed by the Government instrumentalities, in regard to the terms and conditions fo the employees, have to be, by and large, and broadly comparable to the rules applicable to similar categories of employees in the Central Government, unless the statute or charter

of Constituion or the Government provides for a deviation from the Government set-up. But, Sir, if the hon. member has any specific case in his mind, which pertaining to any of these instrumentalities, I would request him to bring it to our notice, or raise it through a specific question.

श्री अनन्तराय देवशंकर दवे: सभापति महोदय, सवाल यह है कि सेंट्रल गवर्नमेंट के जो रूल हैं और सरकार ने अपने जवाब में भी एडमिट किया है "authority can make its own rules or adopt the rules of the Central Government, or adopt the same with suitable amendments, as may be permissible." लास्ट में यह कहा है— "any rules framed as such are legally enforceable and are also subject to judicial review. "यह बात सही है लेकिन मैं सिद्धांत के तौर पर यह जानना चाहता हूं कि कोई बॉडी अगर रूल बनाए जो केन्द्र सरकार के रूलज़ के अगेंस्ट हों तो ऐसे रूल नहीं बनने चाहिएं। आपने हक रास्ता बता दिया कि इनफोर्सेबल बाई ज्युडिशियल रिव्यु, कोई भी ज्युडिशियरी के पास जाए और अपना केस तय करवाए। मैं सरकार से यह जानना चाहता हूं कि क्या आपके पास ऐसी कोई मशीनरी है कि अगर कोई संगठन ऐसे आपके खिलाफ क़ानून बनाए तो उनको बाहर निकालने के लिए, लोगों को फायदा पहुंचाने के लिए कोर्ट में जाने के बजाय गवर्नमेंट के पास न्याय पा सकें?

SHRIMATI VASUNDHARA RAJE: Sir, I have already mentioned that the Government has certain controlling mechanisms, which it can exercise. I would repeat them against—The General Financial Rjules, 1963, where these are broadly comparable to those of the Central Government employees. And I have also said that there is a Department of Expenditure. Under the instrmentalities of the Department of Expenditure, there are autonomous bodies which are fully or partly funded by the Government departments, which are required to take certain steps. The steps, again, I will repeat are: prior approval regarding emoluments, nomination of a representative of the Ministry of Finance on the Board of the Executive Council autonomous organisations and a reference to the Minister concerned, and also to the Finance Ministry in the event there is a disagreement between them.

श्री अनन्तराय देवशंकर दवे: मेरा जवाब नहीं आया। मैं कह रहा हूं मान लेजिये किसी संस्था ने रिटायरमेंट की उम्र 60 से घटा कर 55 कर दिया, रूल चेंज कर दिया तो सरकार के पास क्या कोई ऐसी मशीनरी है उसको मोनिटर करे। आपने तो उनको कोर्ट में जाने का रास्ता

बता दिया लेकिन मैं जानना चाहता हूं कि क्या आपके पास ऐसी कोई मशीनरी है जिससे आप तय कर पाएं कि यह रूल सेंट्र गवर्नमेंट के रूल्ज़ के अगेंस्ट है?

SHRIMATI VASUNDHARA RAJE: Sir, there are no rules. These are bodies which are instrumentalities. As I said, they come through charters, or statutes. But, if there is any particular reference which the hon. Member has to make, he is welcome and point it out to us.

श्रीमती सरला महेश्वरी: सभापति महोदय, माननीय मंत्री महोदय ने कहा की कोई निजी उदाहरण पेश करो। यह सवाल निजी उदाहरण का नहीं है। सवाल नीति का है। उसी नीति के प्रसंग में मैं कहना चाहती हूं कि जब भारत सरकार के नियम, कायदे और कानून के तहत विभिन्न एजेंसियां काम कर रही हैं और उन्हीं एजेंसियों में अगर नियमों की इतनी बड़ी विसंगतियां हों आपस में, तब उन कर्मचारियों की स्थिति क्या होगी? जो सरकार की विभिन्न एजेंसियां काम कर रही हैं, केन्द्रीय विद्यालय, नवोदय विद्यालय जैसे सरकारी संस्थानों में इतनी ज्यादा विसंगतियां हैं। आप उनके नियमों को देखिये। मैं माननीय मंत्री जी से कहना चाहूंगी कि वास्तव में कोई मेकेनिज्म नहीं है। अगर मेकेनिज्म होता तो इतनी बड़ी विसंगतियों का उनको सामना नहीं करना पड़ता चाहे वह विसंगतियां प्रोमोशन के मामले में हों, चाहे क्वार्टर के मामले में हों।तमाम चीज़ों के मामले में विभिन्न एजेंसियों द्वारा आपको आपत्तियां बताई गई हैं लेकिन इसके बावजूद भी हज़ारों कर्मचारी इन विसंगतियों से परेशान हैं। लेकिन सरकार की तरफ से आज तक कोई मेकेनिज्म मेरी समझ में नहीं आया। मैं यह जानना चाहती हूं कि क्या आप इन विसंगतियों को दूर करेंगे? सवाल निजी उदाहरण का नहीं है। एक नहीं अनगिनत उदाहरण दिये जा सकते हैं। इसलिए मैं मंत्री महोदया से जानना चाहूंगी कि जो संगठन केन्द्रीय सरकार के अधीन काम कर रहे हैं, एच॰आर॰डी॰ मिनिस्ट्री के अंतर्गत काम कर रहे हैं, स्वयं मंत्री जी उनकी हेड हैं और इसके बावजूद इस तरह की विसंगतियां हैं तो इनको दूर करने के लिए आप क्या उपाय करेंगी?

श्रीमती वसुन्धरा राजे: माननीय सदस्य ने जो भी प्रश्न अभी पूछे हैं उसके बारे में Chairman Sir, I would like to say कि मैंने तो नीति के हिसाब से आपके प्रश्न का जवाब दिया था। परंतु यह बात सही है कि responsibility for ensuring these things goes to the Ministries concerned. डी॰ओ॰पी॰टी॰ का आज आपके सामने अभी हम जवाब दे रहे हैं। हमारे अंतर्गत 7 कुछ ऐसे हैं। आपने केन्द्रीय विद्यालय, नवोदय विद्यालय का जो सवाल उठाया है, उसके बारे में कन्सर्ड मिनिस्ट्री को मैं आपके द्वारा जो पेश किए हुए प्रश्न हैं उनके सामने पुट अप करके, उस में किसी भी इन्फारमेशन की अगर आपको जरूरत पड़ेगी तो वह मैं आपको लाकर देने को तैयार हूं।

श्री नरेन्द्र मोहन: मंत्री जी कृपा करके यह बताएं कि कितने ऐसे संस्थान हैं जहां इस प्रकार की विसंगतियां उनके संज्ञान में आ चुकी हैं? यह मैं जानना चाहता हूं कि अगर ऐसे संस्थान हैं

जहां विसंगतियां हैं तो किस प्रकार की विसंगतियां उनके संज्ञान में आई हैं? विसंगतियां नहीं होनी चाहिए, यह तो आप सिद्धांत रूप से बात स्वीकार करेंगी। लेकिन फिर भी आपने यह कहा कि चूंकि वे स्वायत्तशासी संस्थान हैं अतः उन्हें इस बात का अधिकार है कि वे अपने जो भी चाहें नियम बना लें। लेकिन क्या वे ऐसे भी नियम बना सकते हैं जो कुल मिलाकर मूल धारा के विपरीत हों? अगर ऐसी स्थिति है तो क्या उसकी जांच नहीं होनीचाहिए? पहली बात तो कृपा करके बताएं कि कितने संस्थान ऐसे हैं जहां विसंगतियां हैं और उनमें कितने कर्मचारियों को क्षति हो रही है या लाभ पहुंच रहा है?

SHRIMATI VASUNDHARA RAJE: First of all, I would like to say that no such figures are Centrally maintained.

श्री नरेन्द्र मोहनः सभापति जी, यह बात समझ में नहीं आई ...(व्यवधान)

Unutilised amount in MPLADS in Punjab

*264. SHRI SUKHDEV SINGH LIBRA: Will the PRIME MINISTER be pleased to state:

(a) the amount that remained unutilised by Members of Rajya Sabha from Punjab as on 31st March 1998 under Member of Parliament Local Area Development Scheme (MPLADS);

(b) the names of such Members alongwith utilised amount;

(c) whether the unutilised amount has since been distributed equally amongst all the sitting Members of Rajya Sabha from Punjab; and

(d) if so, the details thereof?

THE MINSITER OF STATE IN THE MINISTRY OF PLANNING, MINISTER OF STATE IN THE MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION AND MINISTER OF STATE IN THE DEPARTMENT OF ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES OF THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI ARUN SHOURIE): (a) to (d) As per the extent Guidelines of MPLADS, the unutilised amount of retired Rajya Sabha Members of Parliament in a particular State will be equally distributed amongst their successors in that particular State. So far as the State of Punjab is concerned, since the inception of the Scheme no Rajya Sabha Member retired till 31.3.1998, the date in question.